

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRENTICE COX,

Plaintiff,

-v-

257 BLEECKER LLC and THE GREEN ROOM WV,
LLC,

Defendants.

CIVIL ACTION NO. 23 Civ. 1259 (MMG) (SLC)

**ORDER TO INITIATE
DEFAULT PROCEEDINGS**

SARAH L. CAVE, United States Magistrate Judge.

On February 14, 2023, Plaintiff Prentice Cox filed this action under the Americans with Disabilities Act, 42 U.S.C. § 12181 et seq., the New York State Human Rights Law, N.Y. Exec. L. § 296 et seq., and the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101 et seq., seeking injunctive and compensatory relief from Defendants 257 Bleecker LLC (“257”) and the Green Room WV, LLC (“Green Room”) for their alleged failure to provide accessible facilities at a store located at 37 Cornelia Street in Manhattan. (ECF No. 1). On August 10, 2023, both 257 and Green Room filed Answers to the Complaint and Crossclaims against each other. (ECF Nos. 24; 26). On February 29, 2024, Green Room filed a Motion to Dismiss both the Complaint and 257’s crossclaim. (ECF Nos. 46–48). Green Room’s Motion to Dismiss is currently pending.

On September 4, 2024, the Court granted a Motion to Withdraw as Counsel for 257 filed by the firm of Constangy, Brooks, Smith & Prophete LLP (“Constangy”). (ECF No. 82 (the “Sept. 4 Order”)). The Sept. 4 Order—which Constangy served on 257 via email and FedEx overnight delivery (see ECF No. 83)—informed 257 that, “by law, corporations cannot proceed pro se” and thus directed it to retain new counsel, who was to file a notice of appearance by October 4, 2024.

(ECF No. 82 at 4) (emphasis in original). The Sept. 4 Order further warned 257 that its “failure to retain new counsel could result in adverse consequences, including entry of default judgment against it.” (Id. at 5).¹

Despite these clear warnings, to date, new counsel has not appeared on 257’s behalf. Accordingly, Plaintiff and Green Room are hereby ORDERED to request a Certificate of Default from the Clerk of Court by **Friday, October 25, 2024**. See Power Up Lending Grp., Ltd. v. Cardinal Energy Grp., Inc., No. 16 Civ. 1545 (HG) (ST) (E.D.N.Y.), Dkt. No. 68 (directing the Clerk of Court to issue a certificate of default against a corporate party whose counsel had been given leave to withdraw and against whom crossclaims had been raised by another defendant). The Court will set a deadline for Plaintiff and Green Room to file a motion for default judgment following issuance of a ruling on Green Room’s pending Motion to Dismiss.

By no later than **Tuesday, October 22, 2024**, Plaintiff and Green Room shall serve this Order on 257 and file proof of service on the docket.

Dated: New York, New York
October 18, 2024

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

¹ The Court provided 257 an identical warning on August 12, 2024, when denying without prejudice an earlier version of Constangy’s Motion to Withdraw. (See ECF No. 75 at 4).